

REMARKS

Claims 1-36 are pending. Claims 1, 2, 6-13, 24-31, 34, and 36 have been amended. Claims 3, 5, 14, and 16 have been cancelled. Claims 1, 2, 4, 6-13, 15, and 17-36 remain.

5 The amendments present the rejected claims in better form for consideration on appeal and may be admitted pursuant to 37 C.F.R. § 1.116(b)(2).

Claims 1-8, 10-19, and 21-36 again stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,757,531, to Haaramo et al. (“Haaramo”). A claim is anticipated under 35 U.S.C. § 102(e) only if each and 10 every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131. Applicant traverses.

The Haaramo reference was discussed in applicant’s Response to Office Action, filed on October 10, 2007, which is incorporated by reference.

Additionally, Haaramo discloses the actual *physical* creation of a group, which “is done by actually getting all terminals (which are to become members of the group) together in *one single location* and . . . starting the necessary actions for creating a messaging group . . . When a group of terminals is within, say, one room, the inter-terminal communication needed for grouping can be arranged based on: short distance wireless (e.g. infrared or radio) or physical contact (galvanic contacts) or contactless based on inductive, capacitive, or optical coupling” (emphasis added). Col. 7, lines 21-32.

The claims have been amended to further distinguish over Haaramo. Claim 1 has been rewritten to incorporate the limitations of now-cancelled Claims 3 and 5, as well as limitations adapted from Claim 2. Claim 12 has similarly been 25 rewritten to incorporate the limitations of now-cancelled Claims 14 and 16, as well as limitations adapted from Claim 13. Support can also be found in the specification for the remaining limitations, for instance, on p. 7, lines 1-13 (“devices over a digital data network, each . . . physically located at a location distinctly removed from each other device”); p. 9, lines 14-27 (“processing a sign- 30 in . . . forming a plurality of voice message sessions for the user. . . [and] adding the at least one device to a discussion group”); p. 11, line 27-p. 12, line 2

(“applying encryption using a key unique to each of the devices”); Claims 24, 25, 30, and 36 have been Support can be amended to recite similar limitations *mutatis mutandis*. Thus, no new matter has been entered.

The amendments to the independent claims clarify several distinctions.

- 5 First, the devices are physically separated, whereas Haaramo teaches terminals that are in close physical proximity to each other, arguably within no more than ten meters of each other. *See Col. 9, lines 31-36.* Haaramo emphasizes the need for potential group members to be physically near and teaches away from forming discussion groups among devices physically displaced from each other, per
- 10 Claims 1, 12, 24, 25, 30, and 36. For instance, Haaramo discloses that a “physical presence within the new group creates a feeling of unity . . . [that] can be enhanced further by actually uniting the group of terminals.” Col. 8, lines 12-15. He continues, “the option of *physical contact* can be preferred over the short distance wireless alternatives” (emphasis added). Col. 8, lines 20-21.
- 15 Second, security is provided by applying encryption using a key uniquely known to just server and the originating or receiving device. Haaramo discloses “selling and buying voice messaging terminals . . . and informing the group and terminal information to the communication server . . .” Col. 7, lines 35-39. Haaramo teaches applying parity codes or CRC checksums to ensure error free
- 20 communication, Col. 9, lines 55-60, but not security through encryption using a unique key, per Claims 1, 12, 24, 25, 30, and 36.

Finally, the voice message sessions and discussion groups exist independently from the physical device. *See Spec., p. 9, lines 14-15* (“The concept of a signed-on user functions independently from physical PCDs 11. The system 10 tracks sign-on users, which are each assigned to a voice messaging session. A signed-on user can be associated with one or more PCDs 11 . . .”). Haaramo discloses terminals and groups that are expressly tied together and teaches away from forming voice mail sessions for the user and adding the user to a discussion group, per Claims 1, 12, 24, 25, 30, and 36.

30 Therefore, the Haaramo reference fails to describe all the claim limitations and does not anticipate Claims 1, 12, 24, 25, 30, and 36. Claims 2, 4, 6-8, 10, and

- 11 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Claims 13, 15, 17-19 and 21-23 are dependent on Claim 12 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Claims 26-29 are dependent on
- 5 Claim 25 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Claims 31-35 are dependent on Claim 30 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.
- 10 Claims 9 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Haaramo, in view of Applicant's Prior Art. MPEP 2143 controls obviousness determinations and provide exemplary rationales. Rationale (G) requires three factual findings, including that the cited art combination teach or suggest each and every claim element. Applicant traverses.
- 15 As explained above in respect of the novelty rejection, the Haaramo reference fails to describe all the claim limitations of Claims 1 and 12, from which Claims 9 and 20 respectively depend. Accordingly, a *prima facie* case of obviousness has not been shown. Claim 9 is dependent upon Claim 1 and is patentable for the above-stated reasons, and as further distinguished by the
- 20 limitations therein. Claim 20 is dependent upon Claim 12 and is patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.
- 25 The additional prior art made of record and not relied upon has been reviewed by the applicant and is considered to be no more pertinent than the prior art references already applied.
- 30 Claims 1, 2, 4, 6-13, 15, and 17-36 are believed to be in a condition for allowance. Reconsideration of the claims, withdrawal of the finality of the Office action, and a Notice of Allowance are earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

Response to Final Office Action
Docket No. 018.0381.US.UTL

Respectfully submitted,

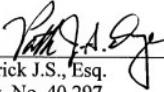
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